

REMARKS

Claims 1-16 and 33 are pending, with claims 17-32 and 34 being withdrawn under protest. In that regard, the Official Action mailed October 7, 2005 set forth a species election requirement between claims 1-16 and 33 (referred to herein as Group I) and claims 17-32 and 34 (referred to herein as Group II). Applicant elects claims 1-16 and 33 (Group I) with traverse and has marked the other claims as withdrawn.

Examiner has separated the Group I and Group II claims because they are allegedly patentably distinct species, namely that the weave pattern includes a plurality of yarns that are either warp yarn floats (Group I) or filling yarn floats (Group II). It is respectfully submitted that a search for either of the two species would likely encompass a search for both. As the search effort would thus be the same, the Office resources would be sufficient to address all issues in one case, rather than place Applicant at risk of having to endure the costs of multiple filings and, if successful, multiple patents. Hence, it is submitted that the species election requirement is inappropriate for that reason alone. Applicant expressly makes no admission, however, that art teaching filling yarn floats would render obvious warp yarn floats (or vice versa) and Examiner clearly suggests that such would not be the case in view of the basis asserted for the species election requirement. Thus, Applicant does not here take a position, or make any concession, as to whether or not the species are patentably distinct. Rather, Applicant submits that a search of the art would likely encompass both thus negating the need for any sort of election (and also saving the Applicant the potential cost of multiple patents).

Conclusion

In view of the foregoing, Applicant requests withdrawal of the species election requirement and, in any event, elects Group I, with claims 1-16 and 33 being readable thereon. Applicant respectfully solicits examination on the merits and a formal Notice of Allowance at the earliest opportunity. If any issues remain, Examiner is respectfully asked to telephone undersigned attorney in an effort to promptly resolve same, especially since this case is now two years old, and has yet to have the benefit of an examination on the merits.

Respectfully submitted,

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